**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE A.K.BASHEER**

**SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929**

**WP(C).No. 20798 of 2007(A)**

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**PETITIONERS:**

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1. **K.K.ABDUL LATHEEF, KAKKATTUMAL HOUSE, S/O.P.P.ABDUL RAHMAN, POONOOR AMSOM, POONOOR DESOM, KOILANDY TALUK, KOZHIKODE DISTRICT.**

2. **P.P.ABDUL LATHEEF, POOPOYIL, MANGAD PO, S/O. MOIDEEN KUNJU, KOZHIKODE DISTRICT.**

**BY ADV. SRI.P.S.ABDUL KAREEM**

**RESPONDENTS:**

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1. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.**

3. **ADDL.DIRECTOR OF EDUCATION, DPI, THIRUVANANTHAPURAM.**

4. **THE SUB DISTRICT EDUCATIONAL OFFICER, BALUSSERI, KOZHIKODE DIST.**

5. **THE HEADMASTER, G.M.U.P.SCHOOL, POONOOR, UNNIKULAM P.O., KOZHIKODE.**

*KSS*

**.2/-**

***ADDL.R6 IS IMPLEADED:**

**R6. THE SECRETARY,**
**P.T.A. COMMITTEE,**
**G.M.U.P.SCHOOL, POONOOR, UNNIKULAM P.O.,**
**KOZHIKODE DISTRICT.**

**(*ADDL.R6 IS IMPLEADED AS PER ORDER DTD. 12/07/2007 IN I.A.NO.9358/2007)**

**BY ADV. SRI.VINOD SINGH CHERIYAN for Addl.R6**
**SRI.R.SUDHISH**
**BY GOVERNMENT PLEADER SRI. A.J. VARGHESE for R1 to R5**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

*KSS*

**WPC.NO.20798/2007 A**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1: COPY OF THE ORDER PASSED BY THE DPI DTD. 24/05/2007.**

**EXTP2: COPY OF THE REPRESENTATION BEFORE THE DEPUTY DIRECTOR OF EDUCATION, DTD. 18/06/07.**

**EXT.P3: COPY OF THE REPRESENTATION FILED BY THE PETITIONERS AND OTHERS.**

**2ND RESPONDENT'S EXHIBITS:**

**EXT.R2(A): COPY OF THE REPRESENTATION SUBMITTED BY PTA.**

**EXT.R2(B): COPY OF THE MEMORANDUM SUBMITTED BY TEACHERS.**

**EXT.R2(C): COPY OF THE LETTER NO.B.421/07 DTD. 30/04/07 OF THE ASST. EDUCATIONAL OFFICER, BALUSSERY.**

**EXT.R2(D): COPY OF THE ORDER NO.H4-82993/06/K.DIS. DTD. 24/05/07 OF DPI TRIVANDRUM.**

**EXT.R2(E): COPY OF THE U.O.NOTE NO.H1/79629/06 DTD. 13/02/07.**

**5TH RESPONDENT'S EXHIBIT:**

**EXT.R5(A): COPY OF MINUTES OF PTA MEETING HELD ON 8/7/2006.**

**6TH RESPONDENT'S EXHIBITS:**

**EXT.R6(A): COPY OF THE MINUTES OF THE MEETING DTD. 8/07/2007 OF THE PTA.**

**EXT.R6(B): COPY OF THE MINUTES DTD. 20/02/2007 OF THE STAFF COUNCIL OF THE SCHOOL.**

**EXT.R6(C) COPY OF THE DECISION OF THE EXECUTIVE COMMITTEE OF PTA DTD. 27/02/2007.**

**/TRUE COPY/**

**P.S.TO JUDGE**

*KSS*

**A.K. Basheer, J.**

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3. The Headmaster of the school, Sri.Mohsin.K.K., is present in the Court today, as directed. He has also produced the minutes book of the Parent Teachers' Association. I have carefully perused the above document.

4. It is submitted by the Headmaster that a meeting of the Parent Teachers' Association had been held on August 16, 2007. Out of approximately 800 parents of the Association, 469 had participated. 442 of them had supported the change of calender. They wanted the school to follow the general calendar as ordered by the Director. Only 27 opposed the change in calendar. They insisted that Muslim calendar should be followed as has been done hitherto.

5. It is contended by the learned counsel for the petitioner that the above order issued by the Director will go against the interests of the Muslim community at large, inasmuch as it will curtail their right to practice their religion. Learned counsel invites my attention to a decision rendered by a Division Bench of this Court in Parent Teachers' Association v. Kunhimmu Haji (1997 (1) KLT 534). I have carefully perused the above judgment. I do not find any observation or dictum as laid down in that judgment which could be applied in the facts and circumstances of this case. As noticed already, 469 parents had participated in the meeting of the Association. 442 out of them favoured the change in the calender. Only 27 parents had opposed it. The will of the majority should prevail. Therefore I do not find any merit in the contentions raised by the petitioners.

Writ Petition fails and it is accordingly dismissed.

**an.** **A.K. Basheer, Judge.**